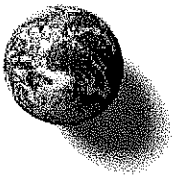
EXHIBIT A
TO

DECLARATION OF
MICHAEL A. SOMMER, PH.D.

Exhibit "A."



AUSSOM CONSULTING INC.

Providing Scientific and Technical Support to the Global Marine Transportation, Legal, Environmental, Insurance and Petrochemical Industries

GeoDynamics Inc.

Resume of Michael A. Sommer II, Ph.D.
509 Baywood Drive
Seabrook, Texas 77586
taos@ghg.net
281-798-4720

Education:

B.S. - 1970 Geology, California State University, San Diego, California.
M. S. - 1972 Geology, University of Tulsa, Tulsa, Oklahoma - C. G. Barker Research Director
Ph.D. - 1974 Geochemistry, University of Tulsa, Oklahoma - C. G. Barker, Research Director

Current Positions:

Aussom Consulting Inc. – 2002 – Present, CEO, Principal Scientist
4010 Dogwood Drive, Pearland, Texas 77584

Area of Specialization:

Environmental expert for the insurance industry, petroleum and petrochemical, food and related industries involving investigation and forensic analysis of chemicals. Expert witness and scientific litigation specialist Maritime claims, chemicals, petroleum and petrochemicals, edible oils and products, oil spill response, personal injury, and general analytical consultation. Environmental analysis and technical support using GC/MS for the analysis of organics in soil, water, air, and product purity. Responsible environmental litigation support, client development and regulatory compliance expert. Expert on RCRA waste characterization, USEPA SW-846 Test Methods. Design and construct custom laboratory equipment, including Purge and Trap auto sampler for GC/MS, Batch inlet for GC/MS, modify GC/MS electronics, computer controllers, and vacuum systems. Expert in environmental metals analysis and ore geochemistry. Prepare and deliver short courses on GC/MS, and mass spectrometry and environmental exposure to various toxins. Prepare and present technical symposia and publish journal articles.

Consolidated Sciences Inc. – July 2004 to Present

Director of Environmental Services
1416 Southmore, Pasadena, TX 77502

Area of Specialization:

Responsible for all environmental analytical work, client development, work scheduling and customer and regulatory compliance agency interface. Laboratory QA/QC Officer. Method development for GC/MS and ICP-MS. Forensics drug expert; analysis, preparation, and precursors for illicit manufacturing. Design custom sampling protocols for air, water and soil monitoring for national and international clients. Expert on RCRA waste characterization, USEPA SW-846 Test Methods. Design and construct custom laboratory equipment, including: Purge and Trap auto sampler for GC/MS, Batch inlet for GC/MS, modify GC/MS electronics, computer controllers, and vacuum systems. Customer interface and customer development and sales.

Amtek Marine and Science Inc. - April 1999 – January 2003,

Principal Scientist
Uni-Plex Business Park
1414 South Friendswood Drive
Friendswood, Texas 77546

Area of Specialization:

Technical claims analyst and environmental expert for the marine insurance industry, petroleum and petrochemical, food and related industries involving investigation and forensic analysis of bulk liquids and chemicals, edible oils and related products such as fatty acids, fatty alcohols and acid oils regarding product quality complaints. Expert witness and scientific litigation specialist Maritime claims, chemicals, petroleum and petrochemicals, edible oils and products, oil spill response, and general analytical consultation. Environmental analysis and technical support using GC/MS for the analysis of organics in soil, water, air, and product purity.

GeoDynamics Inc. - April 2000 - Present, Director
509 Baywood Drive
Seabrook, Texas 77586

Area of Specilization:

In house state-of-the-art environmental analysis and technical support using Gas Chromatography/Mass Spectrometry (GC/MS) for the analysis of organics in soil, water, air, and product purity. Development of test methods for the determinations of chemical warfare agents in water air and soil. Stable isotope analysis for geochemical and natural product determinations.

CLEAN (Citizens League for Environmental Action Now) - July 2000 - Present, Board Of Directors, Principal Scientist for Air Analysis

Nature of Corporation:

Founded and directed by Miss Jane Dale Owen (Granddaughter of the founder of Humble Oil Company), CLEAN was incorporated in July 2000, and has federal 501 (c) 3 designation. CLEAN's goal is to bridge private industry and government with an informed public and to expedite positive change in the Houston regions air quality, especially for neighborhoods and schools in direct proximity to emission sources. The CLEAN GC/MS laboratory in Seabrook, Texas is operational to measure volatile organic substances in air according to EPA guidelines.

Examples of Some Recent Expert Testimony:

Court Testimony:

Various Plaintiffs vs. Burlington Northern Santa Fe Railway Company, et al, Woodfill & Pressler, Watts Law Firm, Hankins Law Firm (2005-present)

Lanier Law Firm, Plaintiffs expert regarding exposure to trichloroethylene, Houston, Texas (2006).

Hankins Law Firm, Plaintiffs expert regarding exposure to radioactive substances from an oil pipe scaling facility, New Orleans, Louisiana (2006)

Maierson Law Firm, Plaintiffs expert regarding exposure to toxic substances from the Cox Waste Site Dayton, Texas (2006).

United States District Court for the Southern District of Texas, Houston Division Cause No.: H-02-1379 Lubrizol Corp. v. Vopak/Paktank Corp., Stolt_nielson Transportation Group, Ltd., Stolt Tankers Inc. and SP Integrity Inc. Expert Testimony (representing vessel interests; Stolt-Nielson).

South Korea Federal Court, Samsung v. Odjfell Seachem AS. Expert Testimony

(representing vessel interests).

State of Texas Administrative Hearings for Application of Permit By Applerock Group for a Type IV Solid Waste Permit. Expert Testimony for Groups Opposing the Application.

Federal Court Southern District New York: BRADESCO SEGUROS S. A. and SUL AMERICA TERRESTRES, MARITIMOS E ACIDENTES COMPANHIA DE SEGUROS, v ICC Chemical Corporation, Expert Testimony (representing ICC Chemicals): M/V *Quinca*

Federal Court Southern District New York: BRADESCO SEGUROS S. A. and SUL AMERICA TERRESTRES, MARITIMOS E ACIDENTES COMPANHIA DE SEGUROS, v ICC Chemical Corporation, Expert Testimony (representing ICC Chemicals): M/V *FREJA JUTLANDIC*

Federal Court No. District of California: Marin Tug & Barge, Inc. v. Westport Petroleum, Inc., et. al. Expert Testimony (representing Westport)

Federal Court Houston, Texas: Coastal Towing v Exxon (Barge Incident) Expert Testimony in Court mandated mediation (vessel interests)

Federal Court Houston, Texas: Mitsubishi v Maersk (VCM Quality Dispute) Testimony as a certified expert: Deposition as an expert (plaintiff)

Federal Court Houston, Texas: Mitsubishi v Maersk (1,3-Butadiene Quality Dispute): Deposition as an expert (plaintiff)

Louisiana District Court: Class Action Litigation (Lindane Pesticide Exposure): Deposition as an expert (plaintiff)

Arbitrations:

New York: Matter concerning quality dispute over ethanol contamination aboard the vessel *Seabulk Pride*
Assisting: Waesche, Sheinbaum & O'Reagan

Houston: Matter concerning quality dispute over ethanol contamination aboard the vessel *M/V Azteca S*
Asssiting: Eastham, Watson, Dale & Forney (for vessel interests)

New York: Matter concerning quality dispute over LPG, product trader v vessel *Norgass Victory*
Assisting: Haight, Gardner, Holland & Knight (for vessel interests)

New York: Matter concerning Koch Refining v Mobil Oil (Fuel Oil Dispute).
Assisting: Kleberg Law Firm (for Mobil Oil)

New York: Matter concerning Claim against Stolt Parcel Tankers (alleged contamination of Cumene).
Assisting: Freehill, Hogan and Mahar (for vessel interests)

New York: Matter concerning alleged contamination of Soya Oil.
Assisting: Hill Rivkins (for vessel insurance underwriters)

New York: Matter concerning alleged contamination of VAM
Assisting: Haight Gardner (for vessel interests)

New York: Matter concerning alleged contamination of Styrene
Assisting: Phelps Dunbar (for vessel interests)

New York: Matter concerning Claim against Stolt Parcel Tankers (alleged contamination of Corn Oil).
Assisting: Freehill, Hogan and Mahar (for vessel interests)

Previous Employment:

Scientific and Environmental Resources - November 1994 to March 1999

A Division of Ocean Maritime Services, Inc. - Director
1560 West Bay Area Blvd., Suite 354
Friendswood, Texas 77546

Consolidated Sciences Inc. - May 1989 to July 1994

Vice President and Environmental Laboratory Manager
1416 Southmore, Pasadena, TX 77502

Area of Specilization:

Responsible for all environmental analytical work, client development, work scheduling and customer and regulatory compliance agency interface. Laboratory QA/QC Officer. Review, construct and implement laboratory P&L development. Designed, supervised and coordinated construction of a 10,000 square foot laboratory facility. Personnel Officer (employee relations). Method

development for GC/MS. Design custom sampling protocols for air, water and soil monitoring for national and international clients. Expert on RCRA waste characterization, USEPA SW-846 Test Methods. Design and construct custom laboratory equipment, including: Purge and Trap auto sampler for GC/MS, Batch inlet for GC/MS, modify GC/MS electronics, computer controllers, and vacuum systems. Customer interface and customer development and sales. Prepare and deliver short courses on GC/MS and mass spectrometry. Prepare and present technical symposia and publish journal articles.

Bicycle Design and Research Inc. - 1989 to 1994

President, Chief Designer and Geochemist, mass spectrometer Consultant
107 E. Edgewood, Friendswood, Texas 77546

Lockheed/EMSCO, NASA/Johnson Space Center - 1984 to 1986

Senior Scientist, Assistant Manager for Solar System Exploration, Director of Light Element Research Lab C-23, 2400 Nasa Rd. 1, Houston, Texas 77058

Academic Employment:

Department of Geology, Lamar University - 1986 to 1987

P.O. Box 10031, Beaumont, Texas

Program in Sciences, University of Houston - 1986 to 1987

Clear Lake, Houston, Texas

Department of Geology, Florida State University - 1979 to 1984

Tallahassee, Florida

Department of Geological Sciences, Brown University - 1974 to 1979

Providence, Rhode Island

Department of Geophysical Sciences, University of Chicago - 1973 to 1974

Chicago, Illinois

Geology Courses Taught:

Environmental Geology, Physical Geology, Physical Geology Lab, Mineralogy, Mineralogy Lab, Petrology, Petrology Lab, Optical Mineralogy, Optical Mineralogy Lab, Structural Geology, Volcanology, Isotope Geology, Geochemistry, Carbonate Geochemistry, Field Geology, Various Seminar Courses, Supervised Undergraduate and Graduate Thesis and Dissertation Research

Bibliography:

Abstracts:

Sommer, M. A. and J. Garcia (1970) Potassium-argon dates for Pliocene rhyolite sequences east of Puertocitos, Baja, California, GSA Abstracts, vol. 2, number 2.

Sommer, M. A. and R. L. Smith (1974) Analysis of silicate melt inclusions from silicon lava, GSA abstracts, vol. 6, number 7.

Sommer, M. A. and R. K. Matthews (1975) Carbon-13 stratigraphy in deep-sea cores, GSA abstracts, vol. 7, number 7.

Sommer, M. A. and D. F. Williams (1975) Oxygen and carbon isotopic determinations on recent species of planktonic foraminifera from the Indian Ocean, GSA abstracts, vol. 7, number 7.

Sommer, M. A. and A. E. Williams (1977) ^{18}O study of the Alamosa River Stock, a fossil geothermal area, EOS, National AGU, Washington, D.C.

Sommer, M. A. (1978) Volatiles in silicate melt inclusions from air fall and ash flow tuffs of the Bandelier Tuff, Jemez Mountains, New Mexico, GSA abstracts, volume 8, number 7.

Sommer, M. A. and S. M. Savin (1979) Inter ocean stable isotopic correlation and Miocene paleography, GSA abstracts, volume 9, number 7.

Sommer M. A. and A. D. Socci (1980) Paleobiology determinations: A new method of reconstructing paleo-oceanography conditions, EOS, volume 61,

number A6.

Sommer, M. A. and L. S. Schramm (1982) Volatiles in the cyclic Bandelier Tuff, Jemez Mountains, New Mexico, GSA abstracts, volume 15, number 7.

Sommer, M. A. and S. Self (1983) The influence of magnetic volatile content on the collapse of pillion eruption columns: Evidence from the Bandelier Tuff, New Mexico, abstract IUGG, Hamburg, Germany.

Sommer, M. A. and R. N. Yonover (1984) Laser decrepitation and analysis of fluid inclusions from the Magma Complex, Nova Scotia: Nature of the ore forming fluids, GSA abstract, North-East Sectional Meeting.

Sommer, M. A., E. K. Gibson and W. Bourcier (1984) Volatile analysis of fluid inclusions in Mississippi Valley type ore deposits, nature of the ore forming process, SEPM Special Conference on Fluid Inclusions, Lost Valley Ranch, Colorado.

Sommer, M. A., W. Bourcier and E. K. Gibson (1984) Mass spectrometric, capacitance manometer, and gas chromatographic analysis of volatiles in fluid inclusions, SEPM Special Conference on Fluid Inclusions, Lost Valley Ranch, Colorado.

Sommer, M. A. and R. L. Loucks (1984) Solution of structural problems in the Topia Ag-Au-Zn district, Durango, Mexico, using laser decrepitation and capacitance manometer gas analysis for fluid inclusion geobarometry, Association of Exploration Geochemist, Symposium for Exploration of Ore Deposit of the North American Cordillera, Reno, Nevada, abstracts with programs, p. 40.

Sommer, M. A., S. S. Self, and L. S. Schramm (1984) Controls on the collapse of pillion eruption columns, extended abstract, DOE Conference on Research on the Valles Caldera, Los Alamos, New Mexico.

Sommer, M. A. and E. K. Gibson (1985), Trapped volatiles in Archean rocks, abstracts for the XVI Lunar and Plant. Science Conference, Houston, Texas.

Sommer, M. A. and E. K. Gibson (1985) Determination of volatile components of fluid inclusions in Archean rocks using micro-crushing and thermal decrepitation coupled with a capacitance manometer and mass spectrometer, Abstracts for the XVI Lunar and Plant. Science Conference, Houston, Texas.

Sommer, M. A. et. A. V. Murali (1985) Impactites and tektite glasses from Lunar crater, India, EOS, vol. 66, number 46.

Sommer, M. A. et. R. N. Yonover (1985) Laser decrepitation and mass spectrometric volatile analysis of silicate melt inclusions, EOS, vol. 66, number

46.
Sommer, M. A. and E. K. Gibson (1985) Volatile concentrations of submarine glasses from the Juan de Fuca Ridge, EOS, vol. 66, number 46.

Sommer, M. A., E. K. Gibson, and R. Bustin (1986) AGC-pyrolosis technique for determining hydrogen in lunar soil, The Pittsburgh Conference and Exposition on Analytical Chemistry and Applied Spectroscopy.

Sommer, M. A. et. A. V. Murali (1986) Tektite-like bodies from Lunar crater, India, Abstracts for the XVII Lunar and Plant. Science Conference, Houston, Texas.

Sommer, M. A. and E. K. Gibson (1986) Laser microprobe study of cosmic dust (IDPs) and potential source material, Abstracts for the XVII Lunar and Plant. Science Conference, Houston, Texas.
Sommer, M. A. and E. K. Gibson (1986) Volatile determinations of individual fluid inclusions within the 3.4 by North Pole barite's from the Warrawooona Group, Northwestern Australia, abstract for the XVII Lunar and Plant, Sciences Conference, Houston, Texas.

Sommer, M. A. and R. Loucks (1987) Hydrodynamics in boiling hydrothermal up flow zones, submitted to EOS.

Sommer, M. A. and W. M. Geiger (1989-94) Numerous Short Courses and Papers Concerning Environmental GC, GC/MS and GC Detector Methods.

Peterson, James and Sommer, M. A., (2001) GC/MS Determination of Nerve Agent Hydrolysis in Water Without Prior Sample Preparation, The Eastern Analytical Symposium, Atlantic City, NJ. (October 1, 2001)

Sommer, M. A., P. Mottay, and J. D. Owen, Analysis and Comparison of Volatile Organic Hydrocarbons in Ambient Air With Those Species Trapped Within the Fine Particles of Incomplete Combustion: Method Development and Case Study (2001) Mass Evolution/Brechbüler AG Seminar Gas Chromatography: Extend Your Analytical Performance using Additional Techniques, November 6, 2001, Houston, Texas.

Papers:

Sommer, M. A. and C. G. Barker (1973) Mass spectrometer analysis of the volatiles released by heating or crushing rocks, Analytical methods developed for application to lunar sample analysis, ASTM STP, American Society for Testing and Materials, p. 56-70.

Sommer, M. A. (1972) Quantitative analysis of the volatile components of selected basalt's and ultra basic-ultamafic rocks, M. S. Thesis, University of Tulsa, p. 96.

Sommer, M. A. and C. G. Barker (1974) Gas release patterns for 15016 and 15065 and their significance, Proc. Fifth Lunar Science Conference, Geochem. et Cosmochem. Acta. Suppl. 5.

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Sommer, M. A., D. F. Williams, and M. L. Bender (1977) Carbon isotopic compositions of recent planktonic foraminifera of the Indian Ocean, Earth and Plant. Science news letters, vol. 36, p. 391-403.

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Sommer, M. A. et. B. U. Haq (1980) Late Miocene carbon-isotopic shift and synchroneity of some phytoplanktonic biostratigraphic events, Geology, vol. 8, p. 427-431.

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Sommer, M. A. and L. S. Schramm (1983 vol. published Dec. 1984) An analysis of the water concentrations in silicate melt inclusions in quartz phenocrysts in silicate melt inclusions from the Bandelier Tuff, Jemez mountains, New Mexico, Bull. Volcano., vol. 46-3, p. 299-320.

Sommer, M. A. et. al. (1985) The determination of fluid inclusions H_2O and CO_2 concentrations using laser decrepitation and capacitance manometer analysis, Analytical Chemistry, vol. 57, number 2.

Sommer, M. A. et. A V. Murali (1986) Impactites and Tektite-like bodies from Lunar Crater, India, submitted to Nature.

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Sommer, M. A. et. R. Brett, et al (1987) Mineralogical studies of Sulfide samples and Volatile concentrations of Basalt glasses from the Southern Juan de Fuca Ridge, Journey of Geophysical Research, vol. 92, number B11, p. 11,373 - 11,379.

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Sommer, M. A. (2002) Determinations of the Concentrations of Toxic Organic Substances on the Particles of Incomplete Combustion, Jour. of Analytical Chemistry (In Preparation)

Book:

Chapter with D. M. Rye (1984) Reconstructing temperature and salinity regimes using carbon and oxygen isotopes in skeletal growth: Biological Records of Environmental Change (Ed. Donald Rhodes) Plenum Press, New York, p. 169-202.

March 2007

EXHIBIT B(I)
TO
DECLARATION OF
MICHAEL A. SOMMER, PH.D.

NORFOLK MARITIME SURVEYORS, INC.
MARINE SURVEYORS
700 BAKER ROAD, SUITE 109, VIRGINIA BEACH, VA
23462 TAX I.D. NO: 20-0301126
E-MAIL ADDRESS: NMSNORVA@ACNINC.NET

FAX TRANSMISSION

19 May 2005

W K Webster (Overseas) Ltd.
New York, NY

Fax: 212-363-9726
Page 1 of 1

Attn: Stuart Shillibeer

Re: **PRELIMINARY REPORT No. 2**
Jones Apparel Group
M/V "**MARGRETHE MAERSK**", Voy. 0506
Container of Contaminated Clothing
Container No. MAEU600017-6
Your Ref No. 10/0511127
Our File No. 10499

We have been advised by the Jones Apparel Warehouse people that there were 7,080 blouses in the sound container that matched the skirts in the container with the odor. These along with the 12,624 contaminated garments make a total of 19,704 garments at issue.

The invoice value of the 12,624 items is **$69,338.70.** The invoice value of the additional 7,080 items is **$30,727.20** for a total of **$100,065.90.**

The vessel's surveyor National Marine in New Jersey called us to say that their surveyor could find no cause of the odor. They also said the immediate previous cargo in the container was lumber and not paper products.

It's my own unofficial opinion that too much of whatever chemical that's used to keep the clothing from wrinkling was used during the manufacture of some of the pieces in the container and that is what is causing the odor.

Regards,

Hal Mabie

EXHIBIT B(II)
TO
DECLARATION OF
MICHAEL A. SOMMER, PH.D.

NORFOLK MARITIME SURVEYORS, INC.
MARINE SURVEYORS
700 BAKER ROAD, SUITE 109, VIRGINIA BEACH, VA 23462
TAX I.D. NO: 20-0301126

02 June 2006

NMS File No.: 10499

Re: **Jones Apparel Group**
M/V "Margarethe Maersk", Voy. 0506
Odor Contaminated Container of Clothing
Container No. MAEU600017-6
17 May 2005

Your Ref No.: **10/0511127**

To: **W.K. Webster (Overseas) Ltd.**
80 Maiden Lane
New York, NY 10038

Attn: Mr. Stuart Shillibeer

Phone: (212) 269-8220
Fax No.: (212) 363-9726

NORFOLK MARITIME SURVEYORS, INC.
MARINE SURVEYORS
700 BAKER ROAD, SUITE 109, VIRGINIA BEACH, VA
23462 TAX I.D. NO: 20-0301126
E-MAIL ADDRESS: NMSNORVA@VERIZON.NET

02 June 2006

Pursuant to the request on 16 May 2005, from Stuart Shillibeer, W.K. Webster (Overseas) Ltd., New York, NY, the Undersigned attended a survey on 17 May 2005, on the premises of the Jones Apparel Warehouse, South Hill, VA., to ascertain the nature and extent of damage reported to a shipment of ladies clothing shipped in a container onboard the M/V "**MARGARETHE MAERSK**" and discharged in Norfolk, VA, on or about 08 May 2005.

ATTENDING SURVEY

Mr. Dan Sowers, Plant Manager and Ms. Vicky Walker, Quality Control Manager, Jones Apparel Group, South Hill, VA.

Mr. H.C. Mabie, Marine Surveyor, Norfolk Maritime Surveyors, Inc., Virginia Beach, VA, representing, cargo interests.

MARKS AND NUMBERS

B/L No. Hong Kong/Norfolk MAEU501016075
Container MSKU6058710
One 40-Foot Container STC
9,993 Pieces plus 3,832 Sets
Ladies 100% Polyester Woven Garments
Pacific Isle 5/30
Net Weight 2,794 Kgs.

Container MAEU600017-6
One 40-Foot Container STC
9,906 Pieces Plus 2,718 Sets
Ladies 100% Polyester Woven Garments
Pacific Isle 5/30

Note: The container at issue under this Bill of Lading is MAEU600017-6. For a detailed breakdown of the various items shipped please see the attached shipping documents.

BACKGROUND

Two 40 foot containers of ladies garments were shipped from Hong Kong to Norfolk under the same bill of lading. They were loaded on 12 April 2005 and arrived in Norfolk, on 08 May 2005.

Mr. Shillibeer
Re: **Jones Apparel Group**
M/V "MARGARETHE MAERSK"
Your Ref No.: **10/0511127**
NMS File No.: **10499**
02 May 2006
Page 2

BACKGROUND (Continued)

The garments in both containers were from the same shipper. Some of the garments sold as two piece matching sets were separated with half the set in one container and half in the second container.

After discharge, both containers were drayed from the terminal in Norfolk, to the consignee's warehouse in South Hill, VA. They arrived there on 10 May, and the doors to both containers were opened for stripping.

When the doors to MAEU600017-6 were opened it was reported that there was a very strong foul odor inside the container. Notes written on one document during the opening described it as a "Diesel Fuel Odor".

Warehouse personnel removed six garments selected at random from the container. Three were hung by themselves in an open area of the warehouse to air out naturally. The other three garments were sent to a local commercial dry cleaner.

The odor from the naturally aired garments remained strong after several days. The odor from the dry cleaned garments was reduced but remained very noticeable.

All the garments remained in the container.

All parties at interest were notified and a survey was requested.

The vessel employed the firm of National Marine Services of New Jersey to conduct a survey. They had an adjuster from North Carolina look at the clothing but he was unable to identify the source of the odor. This survey was done several days prior to ours.

The second container, MSKU605871-0, was stripped into the warehouse and the garments were all accepted as sound. There was no odor reported.

FOUND

On 17 May 2005, we attended at the Jones Apparel Warehouse in South Hill, VA. Container MAEU600017-6 had been backed with its doors open to an open area of the main warehouse floor. As we approached the container from same distance across the open warehouse floor we were able to detect what in our opinion was an unpleasant chemical odor.

FOUND (Continued)

The three garments that were selected to be hung up and aired out plus those that were dry cleaned were on a nearby rack. We found that as reported, the odor was still prevalent in all six garments.

We first walked around the exterior of the ten year old, 40 foot container. There were no visible tide lines or other possible sources of the odor. The only external discrepancies were minor indents and paint scrapes.

There were the remains of hazardous cargo placards adhering to the front and sides. These indicated that a flammable liquid had been carried in the container on a prior voyage.

The container had been stowed overall with 12,624 garments consisting of ladies blouses and skirts in various sizes. Each garment was on a separate individual plastic hanger and individually wrapped in a clear poly bag that was folded and tape closed at the bottom.

Each hanger was placed in a loop that was knotted in a piece of line suspended from removable steel beams. These were secured across the width of the container just under the roof paneling.

Approximately 14 of these lines were suspended across the width of each beam. Each line had 9 knotted loops and 9 hangers and garments were hung from each loop.

Prior to loading the garments the entire interior of the container was lined with large sheets of clear polyethylene that had been taped to the underside of the roof, the sides and the floor. A large flap of this material hung from the after end of the roof and separated the doors from the after face of stow.

We were able to enter the container and walk to the forward end down a narrow void along the left side paneling. We were unable to note anything unusual about the stow other than the odor that was detectable throughout the container.

We took samples of the clothing from the forward end, mid length and the door end. These samples were to be sent to an independent laboratory for testing.

It was the intention of the insured to destroy the odor contaminated clothing after the testing was completed. The sound garments that were a part of the two piece sets and stowed in the other container would be sold at a discount.

FOUND (Continued)

At the time of our survey there were 12,624 garments in the container with the foul odor. In addition there were 7,080 garments that were a part of matching sets the other half of which were in the contaminated container. This made a total of 19,704 garments at issue.

When we contacted the surveying company who represented the vessel, they stated that they were unable to determine the cause of the odor and that the container's previous cargo was some form of lumber.

Several days later when we contacted the surveying company again, they indicated that the containers previous contents may have been telephone poles.

On 23 May 2005, the samples of contaminated clothing along with a sound sample taken from the second container were forwarded to the laboratory EMSL Analytical Inc., of Westmont, NJ.

The initial results of the laboratory testing were forwarded to us on 24 June 2005. The major volatile component found was Cyclohexane whose uses include a solvent for wood preservatives.

In speaking with the laboratory technicians they remarked that when the bag with the samples was first opened in the laboratory, one technician mentioned the odor reminded him of preserved wood.

On completion of the testing, permission was given to the insured to destroy the contaminated garments. The vessel's surveyor was invited but declined to attend the destruction.

On 30 July 2005, the garments were destroyed in an incinerator in Fairfax, Virginia. Prior to destruction all of the plastic wrapping and the garment hangers had to be individually removed by hand.

Commencing in September 2005, we began a series of telephone calls and fax messages for Mr. J. Donnalley, the Senior Vice President of Corporate Tax and Risk Management of the Jones Apparel Group in Bristol, PA. We were requesting the status of the sale of the related non-contaminated ladies blouses and the final amount of claim.

The final claim statement was not received until 31 May 2006.

Mr. Shillibeer
Re: **Jones Apparel Group**
M/V "MARGARETHE MAERSK"
Your Ref No.: **10/0511127**
NMS File No.: **10499**
02 May 2006
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ANTICIPATED CLAIM

The insured has presented a claim of **$142,722.81** to include items such as lost profits that we are not able to comment upon. In reviewing that portion of the claim with which we are familiar we would comments as follows:

1. The cost of destroying the damaged garments, **$5,700.00** does not appear on the claim statement.

2. One of the items destroyed, PO No. W7017521, Style JLACWYNC, 2,718 units, is shown on the claim statement as having a unit cost of $5.28. On the invoice of the shipper, PYL Apparel Ltd., No. PYL-019/05-06 dated 12 April 2005, this item's unit price is given as $4.15. The remaining extended costs appear accurate and we would agree to them as fair and reasonable.

3. The PO number of the item that was sold at a reduction does not match that given on the claim statement. The statement indicates that 6,729 units were sold while we were given the number of 7,080 blouses that would be sold at a discount. The claim statement gives a unit cost of $5.56 while the invoice price for the blouse with the highest cost was $4.34.

With a reported salvage sale of $4.50 (average) per unit, we would agree to the sale as most fair and reasonable.

CAUSE OF DAMAGE

In our opinion the cause of the odor which contaminated the garments originated from the cargo previously carried in the container.

Samples of the clothing tested by an independent laboratory found the predominate present of the chemical Cyclohexane. This chemical is in the material used to preserve wood. This previous cargo in the container was lumber, later identified as probably telephone poles. These are items that would definitely be treated with a wood preservative and in our opinion was the source of the odor.

Mr. Shillibeer
Re: **Jones Apparel Group**
M/V "MARGARETHE MAERSK"
Your Ref No.: **10/0511127**
NMS File No.: **10499**
02 May 2006
Page 6

The above survey is a statement of opinion made, signed and submitted without prejudice to the rights and or interest of whom it may concern.

Respectfully,
Norfolk Maritime Surveyors, Inc.

H.C. Mabie
Marine Surveyor

HCM/mrt

Enclosures:
(1) Photographs
(2) Bill of Lading
(3) Container Interchange Ticket
(4) Container Delivery Order
(5) Container Packing Lists
(6) Commercial Invoice
(7) Sample Chain of Custody Forms
(8) Preliminary Lab Results
(9) Final Laboratory Report
(10) Destruction Documents
(11) Invoice for Destruction of Garments
(12) Final Claim Statement
(13) Our Invoice for Services Rendered

EXHIBIT B(III)
TO
DECLARATION OF
MICHAEL A. SOMMER, PH.D.

EMSL Analytical, Inc.

107 Haddon Avenue, Westmont, NJ 08108
Phone: (856) 858-4800

Materials Science Division

Attn: Hal Mable
Norfolk Maritime Surveyors, Inc.
700 Baker Road, Suite 109
Virginia Beach, VA 23462

Phone: 757-671-7775 Fax: 757-671-7776

EMSL Case No.: 360500504/360500513
Sample(s) Received: 5/25/05
Date of Analysis: 6/24/05
Date Printed: 7/5/05
Reported By: E. Mirica

- Laboratory Report -

Source of Odor Identification

For

Project: File No. 10499

Scott Van Etten
IH Laboratory Manager

Eugenia Mirica, Ph.D.
Materials Scientist

July 5, 2005
Date

QA/QC:

John Newton
Laboratory Manager

July 5, 2005
Date

COPY

EMSL Analytical, Inc.

EMSL Case No.: 360500504/360500513
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700 Baker Road, Suite 109
Virginia Beach, VA 23462

Phone: 757-671-7775 Fax: 757-671-7776

Conclusions:

- The major volatile component found was cyclohexane; it is responsible, at in least in part, for the odor of the garments.

Procurement of Samples and Analytical Overview:

The samples for analysis arrived at EMSL Analytical's corporate laboratory in Westmont, NJ on May 25, 2005. The package arrived in satisfactory condition with no evidence of damage to the contents. The samples were submitted for the purpose of determining the source of odor in garments (blouse and skirt). Unaffected garments arrived at EMSL Analytical's corporate laboratory in Westmont, NJ on May 27, 2005 and registered under EMSL case number 360500513. The samples reported herein have been analyzed per the following equipment and methodologies.

Methods & Equipment: Gas Chromatography/Mass Spectrometry (GC/MS)
Modified EPA TO-15 method

Attenuated Total Reflection-Fourier Infrared Spectroscopy (ATR-FTIR)

EMSL Analytical, Inc.

107 Haddon Avenue, Westmont, NJ 08108
Phone: (856) 858-4800

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Norfolk Maritime Surveyors, Inc.
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EMSL Case No.: 360500504/360500513
Sample(s) Received: 5/25/05
Date of Analysis: 6/24/05
Date Printed: 7/5/05
Reported By: E. Mirica

Results and Discussion:

An aliquot of the trapped air inside the back that contained the odorous skirt and blouse was sampled and analyzed. Below is a list of compounds found.

Compound detected	Comments
Cyclohexane	Used in pesticide preparations as a solvent. Also used in some wood preservation formulations.
Toluene	Can be found in gasoline and spray paint
Ethylbenzene	As above
Xylene	As above
Styrene	Plastic monomer

The major volatile component found was cyclohexane. Cyclohexane is used as a vehicle or dissolving solvent for pesticide concentrates. It is also used as an alternative solvent or environmental friendly non-ozone-depleting dry cleaning agent, and as a solvent for wood preservative preparations. The remaining four components are commonly found as a group in gasoline.

Based on the information provided by the client, it is plausible that the odor-causing compound, at in least in part, is cyclohexane. Care must be exercised when working in a confined space with such a volatile material. Vapors can cause oxygen displacement and may possibly result in injury or death if supplied air or adequate ventilation is not provided. Also, the vapors may be flammable.